

Sri.G.Rabinathan vs M/S. Macro Developers

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Court : Karnataka

Decided On : Jul-10-2024

Judge : R Devdas

Appeal No. : CMP/231/2024

Appellant : Sri.G.Rabinathan

Respondent : M/S. Macro Developers

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2024 BEFORE THE HON'BLE
MR JUSTICE R DEVDAS CIVIL MISC. PETITION NO. 231 OF 2024
BETWEEN:

1. SRI. G. RABINATHAN, S/O. GNANAPRAGASAM, AGED ABOUT 82
YEARS, PULIKESHINAGAR, BENGALURU - 560 005.

2. SMT. STELLA MARY RABINATHAN,

SRI. G. RABINATHAN, AGED ABOUT 74 YEARS, Digitally signed
PULIKESHINAGAR, BENGALURU - 560 005. by JUANITA THEJESWINI

PETITIONERS Location: HIGH (BY SRI. VANI H, ADVOCATE) COURT OF KARNATAKA AND: M/S. MACRO DEVELOPERS A PARTNERSHIP FIRM, HAVING ITS OFFICE AT NO. 11/1, INFANTRY ROAD, BENGALURU - 560 001, REPRESENTED BY ITS MANAGING PARTNER, -2- AND ALSO TO MANAGING PARTNER OF M/S. MACRO DEVELOPERS, RESIDING AT NO. 28, SPENCER ROAD, FRASER TOWN, BENGALURU - 560 005. RESPONDENT (RESPONDENT SERVED - UNREPRESENTED) THIS CIVIL MISC. PETITION IS FILED UNDER SECTION 11(5) AND 11(6) OF THE ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO 1. TO APPOINT AN ARBITRATOR AS PROVIDED FOR IN SECTION 11(6) OF THE ARBITRATION ACT TO RESOLVE THE DISPUTE BETWEEN THE PARTIES AND AS PER CLAUSE 25 OF JOINT DEVELOPMENT AGREEMENT VIDE ANNEXURE-A DATED 14.12.2016.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING: R.DEVDAS J., (ORAL): This Civil Miscellaneous Petition is filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator to resolve the dispute between the parties in terms of Clause 25 of the Joint Development Agreement at Annexure-A dated 14.12.2016. -3-

2. Though notice is served on the respondent, there

has been no representation. Since there is no opposition to the claim made by the petitioners for the appointment of a sole arbitrator, this Court has no other option than to proceed to consider the petition on the basis of the material available on record. Learned counsel for the petitioner submitted that the petitioners, being the owners of the land and owners of the majority of the apartments, requested that the respondent- developer to hand over the original title deeds to the petitioners.

3. This Court has gone through the annexures filed

along with the memorandum of Civil Miscellaneous Petition. This Court is satisfied that the petitioner has fulfilled the requirements as provided under Section 11 of the Act, 1996.

4. Consequently, this Court proceeds to pass the following order.

(a) The petition is allowed appointing

Shri.B.A.Muchandi, Retired District Judge, as the sole arbitrator to enter reference of the disputes between the petitioner and the respondent and conduct proceedings at the -4- Arbitration and Conciliation Centre (Domestic and International), Bengaluru according to the Rules governing the said Arbitration Centre.

(b) All contentions inter se parties are left open for adjudication in the arbitration proceedings.

(c) The office is directed to communicate this

order to the Arbitration and Conciliation

Centre and to appoint Shri.B.A.Muchandi Retired District Judge, as required under the Arbitration and Conciliation Centre Rules, 2012. Sd/- JUDGE rv List No.: 1 Sl No.: 18 CT: BHK

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